

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MANOJ C. MADATHIL

v.

ACCENTURE LLP, ET AL.

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Civil Action No. 4:18-CV-511

(Judge Mazzant/Judge Nowak)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 29, 2019, the report of the Magistrate Judge (Dkt. #87) was entered containing proposed findings of fact and recommendations that Defendants Accenture LLP, Greg Leja, Toni Corban, and Anil Varughese's Motion for Summary Judgment (Dkt. #51) be granted.<sup>1</sup>

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

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<sup>1</sup> In the Magistrate Judge's Report, the Magistrate Judge cited to *Davis v. Fort Bend County*, 893 F.3d 300, 304-05 (5th Cir. 2018) for the proposition that "a Title VII plaintiff's failure to exhaust [his] administrative remedies is not a jurisdictional bar but rather a prudential prerequisite to suit" (Dkt. #87 at p. 16). At the time of the Magistrate Judge's Report, the Supreme Court had granted certiorari in *Davis*, but had not yet issued a decision. The Court notes that a decision has since been issued affirming the Fifth Circuit's opinion. *Fort Bend County, Texas v. Davis*, 139 S. Ct. 1843, 1846 (2019) ("We hold that Title VII's charge-filing instruction is not jurisdictional. . . . Prerequisites to suit like Title VII's charge-filing instruction are. . . properly ranked among the array of claim-processing rules that must be timely raised to come into play.").

It is, therefore, **ORDERED** that Defendants Accenture LLP, Greg Leja, Toni Corban, and Anil Varughese's Motion for Summary Judgment (Dkt. #51) is **GRANTED** and each of Plaintiff's claims against each Defendant are **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

**SIGNED this 5th day of July, 2019.**

  
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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE